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Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
05P UNNECESSARY DISPLAY OF WEAPON / ON DUTY -	-	-	-	-	-	-	-

row(s) 1 - 1 of 1

Log No: 1081904 Type:CR

Accused Members

Review	Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View	MEROLA, DOMINIC	CLOSED/FINAL	NOT SUSTAINED	-	-	-	18-AUG-2016	N/A
View	MARINEZ, DAVID	CLOSED/FINAL	EXONERATED	-	-	-	19-OCT-2016	N/A

row(s) 1 - 2 of 2

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?	
View	1	FACE SHEET	N/A	-	-	-	STEWART, DENISE	AUG-18-2016 20:34	-	-	
View	2	CONFLICT CERTIFICATION	N/A	-	-	-	OLVERA, MARIA	AUG-31-2016 09:10	-	-	
View	3	CONFLICT CERTIFICATION	N/A	-	-	-	REYNOLDS, KYMBERLY	SEP-01-2016 13:58	-	-	
View	4	REPORT (OTHER)	N/A	1	IPRA Notice	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:36	APPROVED	-	YES
View	5	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:37	APPROVED	-	YES
View	6	TO/FROM REPORT	N/A	2	Interview summary	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:39	APPROVED	-	YES
View	7	AUDIO INTERVIEW	N/A	1	Complainant, [REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:10	APPROVED	-	YES
View	8	PHOTO IDENTIFICATION	N/A	2	[REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:40	APPROVED	-	YES
View	9	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	[REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:40	APPROVED	-	YES
View	10	TRAFFIC CITATION	N/A	3	TKT# 172902	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:42	APPROVED	-	YES
View	11	REPORT (OTHER)	N/A	1	IPRA Notice	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:43	APPROVED	-	YES
View	12	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:43	APPROVED	-	YES
View	13	AUDIO INTERVIEW	N/A	1	Witness, [REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:12	APPROVED	-	YES
View	14	SWORN AFFIDAVIT - NOT REQUIRED	N/A	1	[REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:44	APPROVED	-	YES
View	15	TO/FROM REPORT	N/A	2	Summary of Interview [REDACTED]	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:45	APPROVED	-	YES
View	16	ATTENDANCE AND ASSIGNMENT RECORD	N/A	1	Beat 432	YES	REYNOLDS, KYMBERLY	SEP-01-2016 14:45	APPROVED	-	YES

View	17	CONFLICT CERTIFICATION	N/A	-	-	-	GRBA, MARK	OCT-12-2016 14:32	-	-	-
View	18	CONFLICT CERTIFICATION	N/A	-	-	-	HILL, CHANTELLE	OCT-19-2016 14:30	-	-	-
View	19	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Dominic Merola	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:01	APPROVED	-	YES
View	20	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO Dominic Merola	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:02	APPROVED	-	YES
View	21	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO Dominic Merola	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:04	APPROVED	-	YES
View	22	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO Dominic Merola	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:05	APPROVED	-	YES
View	23	AUDIO INTERVIEW	N/A	1	Statement of PO Merola #7221 (CD in file)	YES	HILL, CHANTELLE	FEB-27-2017 14:40	APPROVED	-	YES
View	24	REPORT (OTHER)	N/A	73	Transcribed statement of P.O. Dominic Merola	YES	BROWN, DANITA	FEB-28-2017 09:49	APPROVED	-	YES
View	25	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO David Martinez	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:05	APPROVED	-	YES
View	26	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO David Martinez	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:08	APPROVED	-	YES
View	27	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO David Martinez	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:09	APPROVED	-	YES
View	28	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO David Martinez	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:09	APPROVED	-	YES
View	29	AUDIO INTERVIEW	N/A	1	Statement of PO Martinez #15460 (CD in file)	YES	HILL, CHANTELLE	FEB-27-2017 14:43	APPROVED	-	YES
View	30	REPORT (OTHER)	N/A	33	Transcribed statement of P.O. David Martinez	YES	BROWN, DANITA	FEB-28-2017 09:50	APPROVED	-	YES
View	31	REPORT (OTHER)	N/A	2	Personal Court Notification Details-Submitted by PO Merola	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:11	APPROVED	-	YES
View	32	REPORT (OTHER)	N/A	2	Clerk of the Circuit Court of Cook Co. (TRIMS Inquiry)	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:12	APPROVED	-	YES
View	33	VIDEO RECORDING	N/A	1	BWC Video, PO Merola #7221 (See original file)	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:14	APPROVED	-	YES
View	34	TO/FROM REPORT	N/A	1	Summary of BWC Video of PO Dominic Merola	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:15	APPROVED	-	YES
View	35	VIDEO RECORDING	N/A	1	BWC Video, PO Martinez #15460 (See original file)	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:16	APPROVED	-	YES
View	36	TO/FROM REPORT	N/A	1	Summary of BWC Video of PO David Martinez	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:18	APPROVED	-	YES
View	37	VIDEO RECORDING	N/A	1	BWC Video (Multiple Clips) PO Corr, Sgt. Carroll, and PO Merola	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:22	APPROVED	-	YES
View	38	TO/FROM REPORT	N/A	1	Summary Multiple Body Cam Video	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:23	APPROVED	-	YES
View	39	VIDEO RECORDING	N/A	1	In-car camera video, PO Merola	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:24	APPROVED	-	YES
View	40	TO/FROM REPORT	N/A	1	Summary of ICC of PO Dominic Merola	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:25	APPROVED	-	YES
View	41	REPORT (OTHER)	N/A	2	Request/Response from CPD RE: ICC/BWC Request	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:26	APPROVED	-	YES
View	42	REPORT (OTHER)	N/A	2	Traffic Court Division Request/Response for attendance log	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:28	APPROVED	-	YES
View	43	REPORT (OTHER)	N/A	2	PO Merola- Court Notification Log	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:33	APPROVED	-	YES

View	44	WITNESS NOTIFICATION FOR CORR, NICHOLAS	WITNESS - - CORR, NICHOLAS	-	-	HILL, CHANTELLE	NOV-10-2016 09:00	WITNESS ACKNOWLEDGED NOTIFICATION	-	-
View	45	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Nicholas Corr	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:34	APPROVED	- YES
View	46	AUDIO INTERVIEW	N/A	1	Statement of PO Nicholas Corr (CD in file)	YES	HILL, CHANTELLE	MAR-09-2017 08:33	APPROVED	- YES
View	47	O.E.M.C. (OEMC) REQUEST/HOLD	N/A	2	Request/Response RE: PDT/MDT Transmissions	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:35	APPROVED	- YES
View	48	REPORT (OTHER)	N/A	4	Request/response of Log Scan- [REDACTED]	YES	BRUMFIELD, LUCILLE	JAN-11-2017 16:36	APPROVED	- YES
View	49	REPORT (OTHER)	N/A	2	Unit Inventory Full Listing - 2014 Ford UT Intercept	-	BRUMFIELD, LUCILLE	JAN-11-2017 16:37	APPROVED	- YES
View	50	REPORT (OTHER)	N/A	33	Transcribed Statement of PO Nicholas Corr	YES	HILL, CHANTELLE	FEB-27-2017 09:29	APPROVED	- YES
View	51	WITNESS NOTIFICATION FOR WENDT, GARY	WITNESS - WENDT, GARY	-	-	-	HILL, CHANTELLE	DEC-19-2016 09:12	WITNESS ACKNOWLEDGED NOTIFICATION	- -
View	52	VIDEO RECORDING	N/A	1	BWC Video, PO Gary Wendt #4335 (See Original file)	YES	HILL, CHANTELLE	FEB-27-2017 09:48	APPROVED	- YES
View	53	TO/FROM REPORT	N/A	1	Summary of BWC Video- PO Wendt #4335	YES	HILL, CHANTELLE	FEB-27-2017 09:49	APPROVED	- YES
View	54	AUDIO INTERVIEW	N/A	1	Statement of PO Gary Wendt	YES	HILL, CHANTELLE	FEB-27-2017 08:53	APPROVED	- YES
View	55	REPORT (OTHER)	N/A	49	Transcribed Statement of [REDACTED]	YES	HILL, CHANTELLE	FEB-27-2017 10:06	APPROVED	- YES
View	56	REPORT (OTHER)	N/A	42	Transcribed Statement of [REDACTED]	YES	HILL, CHANTELLE	FEB-27-2017 10:19	APPROVED	- YES
View	57	REPORT (OTHER)	N/A	1	Request for BWC of PO Wendt	YES	HILL, CHANTELLE	FEB-27-2017 14:47	APPROVED	- YES
View	58	O.E.M.C. (OEMC) TRANSMISSIONS	N/A	4	Request/Response OEMC 911 Transmissions (CD Enclosed)	NO	HILL, CHANTELLE	MAR-29-2017 12:02	APPROVED	- YES
View	59	REPORT (OTHER)	N/A	1	Summary of OEMC 911 Transmissions	YES	HILL, CHANTELLE	MAR-29-2017 12:11	APPROVED	- YES
View	-	REPORT (OTHER)	N/A	6	-	NO	SANCHEZ, NOEL	JUN-12-2017 12:09	APPROVED	- YES
View	-	REPORT (OTHER)	N/A	8	DNC letter	NO	CONNOLLY, LUKE	JUL-19-2017 14:35	APPROVED	- YES
View	-	REPORT (OTHER)	N/A	1	Reporting Party Letter	-	CIHAN, CORINA	MAY-05-2017 11:20	APPROVED	- YES
View	-	REPORT (OTHER)	N/A	2	IPRA Disciplinary Recommendation	NO	FAIRLEY, SHARON	MAY-04-2017 16:57	APPROVED	- YES
View	-	SUMMARY REPORT	N/A	17	-	-	GRBA, MARK	MAY-04-2017 16:44	APPROVED	- YES
View	-	REPORT (OTHER)	N/A	1	Case Finding Letter - [REDACTED]	-	CIHAN, CORINA	JUN-27-2017 10:38	APPROVED	- YES
View	-	DISCIPLINARY HISTORY	N/A	2	-	NO	GRBA, MARK	APR-20-2017 11:46	APPROVED	- YES
View	-	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	39	IPRA's Request for Review of the Non-Concurrence in 1081904	-	LUEKE, JILL	SEP-21-2017 09:15	APPROVED	- YES
View	-	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	18	Training Materials Submitted by CPD in CPD's 9/6 email	-	LUEKE, JILL	SEP-28-2017 15:44	APPROVED	- YES
View	-	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	23	Training Materials Submitted by CPD in CPD's 9/6 email	-	LUEKE, JILL	SEP-28-2017 15:41	APPROVED	- YES
View	-	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	7	Training Materials Submitted by CPD in CPD's 9/6 email	-	LUEKE, JILL	SEP-28-2017 15:40	APPROVED	- YES

View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	15	Training Materials Submitted by CPD in CPD's 9/6 email	-	LUEKE, JILL	SEP-28-2017 15:42	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	6	Request for Review - Email Chain 4	-	LUEKE, JILL	SEP-28-2017 15:28	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	2	Request for Review - Email Chain 5	-	LUEKE, JILL	SEP-28-2017 15:29	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	6	Request for Review - Email Chain 3	-	LUEKE, JILL	SEP-28-2017 15:27	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	1	IPRA's Response to the Board's Request for Additional Materials	-	LUEKE, JILL	SEP-28-2017 15:51	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	6	Request for Review - Email Chain 2	-	LUEKE, JILL	SEP-28-2017 15:27	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	6	Request for Review - Email Chain 1	-	LUEKE, JILL	SEP-28-2017 15:20	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	4	Superintendent's Response to IPRA's Request for Review	-	LUEKE, JILL	SEP-28-2017 15:35	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	4	Training Materials Submitted by CPD in CPD's 9/6 email	-	LUEKE, JILL	SEP-28-2017 15:40	APPROVED	-	YES
View	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	10	Police Board 17 RR 06 Opinion - finding Superintendent overcame burden, and allegations Nos. 1-3 shall be classified as exonerated.	NO	CRASE, BRANDON	SEP-19-2017 14:44	APPROVED	-	YES

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Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents☒ **TIP** Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History☒ **TIP** Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
CLOSED/FINAL	19-SEP-2017 14:53	DOMAIN, ALEXANDRA	CLERK 3		113 / -	-
PENDING REVIEW AFTER SUPERINTENDENT DECISION	19-JUL-2017 14:39	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	19-JUL-2017 14:31	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	Upload DNC letter
PENDING SUPERINTENDENT DECISION	06-JUL-2017 14:43	NAVARRO, KEVIN	FIRST DEPUTY SUPT.		212 / 140	-
PENDING COMMAND CHANNEL REVIEW	27-JUN-2017 10:00	COSTELLO, ROBERT	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	27-JUN-2017 09:59	COSTELLO, ROBERT	SERGEANT OF POLICE		121 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	27-JUN-2017 09:56	COSTELLO, ROBERT	SERGEANT OF POLICE		121 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	27-JUN-2017 09:54	COSTELLO, ROBERT	SERGEANT OF POLICE		121 / -	-
PENDING COMMAND CHANNEL REVIEW	12-JUN-2017 12:12	SANCHEZ, NOEL	COMMANDER		004 / -	-
PENDING COMMAND CHANNEL REVIEW	11-MAY-2017 12:25	COSTELLO, ROBERT	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	11-MAY-2017 12:24	COSTELLO, ROBERT	SERGEANT OF POLICE		121 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	05-MAY-2017 09:53	CIHAN, CORINA	PARALEGAL I		113 / -	-
CLOSED AT C.O.P.A.	05-MAY-2017 09:17	CIHAN, CORINA	PARALEGAL I		113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	04-MAY-2017 16:57	FAIRLEY, SHARON	ADMIN. IN CHARGE COPA		113 / -	-
		GRBA, MARK			113 / -	-

PENDING CHIEF ADMINISTRATOR REVIEW	20-APR-2017 11:58		DEPUTY CHIEF ADMINISTRATOR		
PENDING C.O.P.A. COORDINATOR REVIEW	20-APR-2017 11:41	GRBA, MARK	DEPUTY CHIEF ADMINISTRATOR	113 / -	-
PENDING INVESTIGATIVE REVIEW	20-APR-2017 11:17	HILL, CHANTELE	INVESTIGATOR I COP	113 / -	-
PENDING INVESTIGATION	12-OCT-2016 14:32	GRBA, MARK	DEPUTY CHIEF ADMINISTRATOR	113 / -	Operational decision by Dept Chief Grba.
PENDING INVESTIGATION	31-AUG-2016 09:10	OLVERA, MARIA	SUPERVISING INV COPA	113 / -	-
PENDING ASSIGN INVESTIGATOR	23-AUG-2016 19:57	DEAN, BRUCE	SUPERVISING INV COPA	113 / -	affidavit obtained Type Changed from INFO to CR on 23-AUG-2016 19:57 by DEAN, BRUCE
PENDING ASSIGN TEAM	19-AUG-2016 07:25	QUERFURTH, PATRICK	SUPERVISING INV COPA	113 / -	-
PENDING SUPERVISOR REVIEW	18-AUG-2016 21:15	STEWART, DENISE	INTAKE AIDE	113 / -	-
PRELIMINARY	18-AUG-2016 20:34	STEWART, DENISE	INTAKE AIDE	113 / -	-

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Command Channel Reviews

Accused Name	Sequence No.	Reviewer
MEROLA, DOMINIC	1	NAVARRO, KEVIN

row(s) 1 - 1 of 1

SUMMARY REPORT

Independent Police Review Authority

LOG NO
1081904

TYPE
CR

DATE OF REPORT
04-MAY-2017

TO: ☒ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORITY ☐ CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
HILL, CHANTELE	9183			113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS:	E. 91ST ST, CHICAGO, IL 60617	DATE / TIME: 18-AUG-2016 18:08	BEAT: 423
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
MEROLA, DOMINIC R	9161	7221		004		M / S		30-APR-2001	YES	YES
MARINEZ, DAVID	9161	15460		004		M / S		10-SEP-2010	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
	N. CENTRAL PARK AVE	CHICAGO, IL		M / BLK	

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
	N. CENTRAL PARK AVE	CHICAGO, IL		M / BLK	
	S. EAST END AVE	CHICAGO, IL		F / BLK	

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
CORR, NICHOLAS	RANK: 9161, STAR NO: 19925, EMP NO:			M / WHI	
WENDT, GARY	RANK: 9161, STAR NO: 4335, EMP NO:			M / WHI	

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

SEE ATTACHED REPORT

SUMMARY OF INCIDENT

On August 18, 2016 at approximately 6:00 p.m., Officer Dominic Merola initiated a traffic stop of [REDACTED] at [REDACTED] E. 91st Street for disobedience of traffic codes, failure to stop at a stop sign, and using an alley as a through street. Mr. [REDACTED]'s girlfriend, [REDACTED] was seated in the front passenger side of Mr. [REDACTED] vehicle and was present throughout the traffic stop.

Upon pulling Mr. [REDACTED] over, Officer Merola immediately exited his marked police vehicle with his gun drawn and pointed at or in the direction of Mr. [REDACTED] and Ms. [REDACTED] who remained seated in their vehicle. Officer Merola followed that action by ordering Mr. [REDACTED] to show his hands and exit the vehicle. Mr. [REDACTED] complied. After Mr. [REDACTED] exited the vehicle, Officer Merola immediately placed him in handcuffs, a state he remained in for approximately 25 minutes. Officers Corr and Wendt, who happened upon the traffic stop as it occurred, guarded Mr. [REDACTED] while Officer Merola wrote the traffic citations he issued to Mr. [REDACTED].

During the incident, Mr. [REDACTED] continually asked why he was in handcuffs and if he was under arrest. He also asked to be released from the handcuffs several times. Officer Merola released Mr. [REDACTED] from the handcuffs after he presented the traffic citations to Mr. [REDACTED] to sign.

Activity associated with this incident was captured on in-car and body-worn cameras.

ALLEGATIONS

It is alleged that on 18 August 2016, at approximately 6:00 p.m., at [REDACTED] E. 91st Street: **Officer Dominic Merola, #7221:**

1. Violated [REDACTED]'s 4th Amendment rights in that he stopped, detained, and handcuffed him for an extended period of time without justification during a traffic stop, in violation of Rules 2 and 8.
2. Unnecessarily displayed and pointed his weapon at Mr. [REDACTED] during a traffic stop, in violation of Rules 8 and 38.
3. Unnecessarily displayed and pointed his weapon at [REDACTED] during a traffic stop, in violation of Rules 8 and 38.
4. Failed to appear to traffic court on 12 October 2016 regarding the traffic stop and issued citations against Mr. [REDACTED] in violation of General Order 08-02, Special Order 08-02, and Special Order- S04-14-06.

It is alleged that on 18 August 2016, at approximately 6:00 p.m., at [REDACTED] E. 91st Street: **Officer David Marinez, #15460:**

1. Informed [REDACTED] that he was under arrest for traffic violations and not free to leave, in violation of Rule 2.

APPLICABLE RULES AND LAWS

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policies and goals or brings discredit upon the Department.

Rule 8: Disrespect or maltreatment of a person while on duty.

Rule 38: Unlawful or unnecessary display of a weapon.

U.S. Constitution – Fourth Amendment

Special Order- S08-02: Court Attendance and Responsibilities

Special Order- S04-14-06: Traffic Notifications and Attendance

General Order-G08-02: Court Attendance and Responsibilities

INVESTIGATION

In an **interview with IPRA** on August 20, 2016, **Complainant** [REDACTED] reported that on August 18, 2016, he and his girlfriend, [REDACTED], were driving to Ms. [REDACTED] residence located at [REDACTED] E. [REDACTED]st Street, Chicago, IL. After stopping at a traffic light and driving westbound on [REDACTED]st Street through the intersection of [REDACTED]th and Commercial Blvd., Mr. [REDACTED] observed a police vehicle parked and facing east on [REDACTED]th Street in front of a Dunkin' Donuts. After Mr. [REDACTED] drove past the police vehicle, he saw it make a U-turn and proceed in Mr. [REDACTED]'s direction. After Mr. [REDACTED] turned north on the next street, through the alley, and around the block, the officer who followed behind Mr. [REDACTED] initiated his emergency lights and sirens. Shortly thereafter, Mr. [REDACTED] pulled his vehicle to the curb. As Officer Merola exited his police vehicle, he had his gun drawn and pointed at Mr. [REDACTED] and Ms. Hendricks. Officer Merola approached Mr. [REDACTED]'s vehicle with his gun continuously pointed at Mr. [REDACTED] and Ms. [REDACTED]. Mr. [REDACTED] described Officer Merola as having the gun pointed through the open window. Officer Merola ordered Mr. [REDACTED] to keep his hands up and to get out of the vehicle. After Mr. [REDACTED] complied and exited his vehicle, Officer Merola holstered his weapon and handcuffed Mr. [REDACTED]. He then escorted Mr. [REDACTED] to the front of his police vehicle. Mr. [REDACTED] asked Officer Merola why he was in handcuffs and what was going on. Officer Merola told Mr. [REDACTED] it was because of the way Mr. [REDACTED] was driving.

Several officers, who arrived after Mr. [REDACTED] was handcuffed, guarded Mr. [REDACTED] while he was positioned at the front of Officer Merola's vehicle and in handcuffs. Other officers arrived, including Officer Merola's partner, who Officer Merola left at the nearby Dunkin' Donuts. Mr. [REDACTED] was upset about being detained and placed in handcuffs. Mr. [REDACTED] made multiple requests to have the handcuffs removed, but was ultimately told by another officer that he was under arrest for traffic violations.

After waiting around for a while, Officer Merola told Mr. [REDACTED] he would receive three tickets. Mr. [REDACTED] again asked Officer Merola to remove the cuffs and stated, "...if you giving me tickets, I don't need cuffs on." Mr. [REDACTED] questioned Officer Merola about the tickets and told Officer Merola that he wanted to read them before signing them. According to Mr. [REDACTED] Officer Merola got increasingly agitated that Mr. [REDACTED] refused to sign the tickets until he had an opportunity to read the citations. Ultimately, Mr. [REDACTED] was released from his handcuffs, signed the tickets, and was then released by Officer Merola. (Att. 7, 55) After signing the tickets, Mr. [REDACTED] stated the officers "let me go" without further incident.

Mr. [REDACTED] did not think he did anything wrong and that believed that he should not have been stopped, handcuffed, detained, or arrested. He also did not think that it was appropriate for Officer Merola to point his gun at Mr. [REDACTED] and Ms. [REDACTED]. Mr. [REDACTED] allowed IPRA to make copies of the three original traffic tickets he received during that incident. (Att. 10)

In an **interview with IPRA** on August 20, 2016, **Witness and Complainant** [REDACTED] reported that on August 18, 2016 she and her boyfriend, [REDACTED] were rushing to her residence located at [REDACTED] E. [REDACTED] St Street, Chicago, IL to prepare for a social engagement. As Mr. [REDACTED] drove westbound on [REDACTED] St Street, she observed a police vehicle parked and facing eastbound on [REDACTED] St Street. Shortly thereafter, she saw the police vehicle conduct a U-turn and proceed to follow them. After Mr. [REDACTED] drove around the block and through an alley, she noticed the police vehicle had continued to follow them back onto [REDACTED] Street. At this time, Mr. [REDACTED] curbed his vehicle and the officer, now known as Officer Dominic Merola, exited his vehicle and approached them with his weapon drawn and pointed. Ms. [REDACTED] stated that Officer Merola's weapon was pointed at the driver's side window and was close enough for her to make out specific details of the gun.¹

Mr. [REDACTED] was removed from the vehicle, handcuffed, and searched. Shortly afterwards, several other officers arrived to the scene and escorted Mr. [REDACTED] to Officer Merola's vehicle while he stayed behind to speak with her. While speaking with her, Officer Merola observed a hammer in the car. Officer Merola moved the hammer to floor of the car and went back to his police vehicle.

As Mr. [REDACTED] stood positioned at the front Officer Merola's police vehicle, he remained handcuffed for the duration of the traffic stop. She heard Mr. [REDACTED] make several requests for the handcuffs to be removed. She also heard an officer tell Mr. [REDACTED] that he was under arrest. Prior to the review of the traffic citations, Mr. [REDACTED] and Officer Merola engaged in a verbal altercation when he requested to read the citations. Ultimately, Mr. [REDACTED] was issued traffic citations and released without further incident. (Atts. 13, 56)

In an **interview with IPRA** on November 3, 2016, **Officer Dominic Merola, Star#7221** acknowledged that he conducted the traffic stop of [REDACTED] and [REDACTED] on August 18, 2016 after a review of his body worn camera and in-car camera video.² He stated that while sitting in

¹ Attachment 56- pg. 9, 13-14

² Officer Merola and all other interviewed officers viewed their assigned video footage related to the incident.

his police vehicle on [REDACTED]st street facing eastbound, his attention was drawn towards Mr. [REDACTED]'s vehicle, which was heading westbound on [REDACTED]st street. Officer Merola explained that the "revving" sound of Mr. [REDACTED]'s vehicle indicated heavy acceleration of a vehicle driving at a rapid pace. After Mr. [REDACTED] vehicle passed Officer Merola, he continued to watch Mr. [REDACTED] vehicle over his shoulder. After observing Mr. [REDACTED] drive through a stop sign at [REDACTED]st and Exchange, he conducted a U-turn and proceeded to follow Mr. [REDACTED]. Officer Merola left his partner, Officer Martinez, behind at the Dunkin' Donuts. After activating his emergency lights and sirens in an attempt to curb the vehicle, he tailed Mr. [REDACTED] for approximately one minute.

According to Officer Merola, Mr. [REDACTED] rate of speed and quick sharp turns indicated that he was attempting to elude him. Therefore, Officer Merola suggested the stop had escalated to a "high risk" traffic stop. Officer Merola further stated that the traffic stop was "high risk" not only due to the "mannerism in which the vehicle was driven" but because the stop was in an area known for "gang and narcotic activities" and occurred near Chicago Housing Authority (CHA) residence. During further discussions regarding his professional knowledge of what would constitute a "high risk" stop, he offered that a felony traffic stop where an officer had prior knowledge that a vehicle may have been involved in a crime was an example of a high-risk traffic stop. Despite his understanding of what may be considered a high-risk traffic stop, Officer Merola did not call into dispatch that the incident was a high-risk traffic stop. Officer Merola did not characterize the incident as a pursuit and stated that, "it was him in my opinion tryin' to give me the slip." Officer Merola further stated that after Mr. [REDACTED] pulled over, he considered the risk to be over because he had the situation under his control.³ Officer Merola believed he gained "control of the situation" at the time he had exited his vehicle and approached Mr. [REDACTED]

Officer Merola confirmed that he did not run Mr. [REDACTED]'s license plate until after he initiated the stop. He did not believe that he put himself at risk when he approached Mr. [REDACTED]'s vehicle because he believed he had control of the situation. However, even though he felt he had the situation under control, he did not feel comfortable releasing Mr. [REDACTED] of the handcuffs or allowing him to return to his vehicle while the citations were prepared because he knew there was a hammer in the vehicle. (Atts. 23, 24)

Officer Merola further confirmed that he observed both occupants with their hands in the air and did not observe any threatening behavior. He believed that drawing and pointing his weapon upon exit of his vehicle was necessary until the point that Mr. [REDACTED] was secured. Mr. [REDACTED] was handcuffed and positioned at the front of his vehicle by one of the assisting officers.

While Mr. [REDACTED] stood positioned at Officer Merola's vehicle, Officer Merola stayed behind and engaged in a brief conversation with the passenger, [REDACTED]s. While speaking with Ms. [REDACTED], he observed a wooden stick facing upward between the driver's seat in plain view. Officer Merola removed what was revealed to be a hammer and placed it on the floor of Mr. [REDACTED]'s vehicle before returning to his vehicle. Mr. [REDACTED] was issued three traffic citations: 09-40-01: Disobedience of

³ Attachment 24- pgs. 58-64

Traffic Codes, 9-24-010 (b): Failure to Stop at a Stop Sign, and 9-20-010: Using an Alley as a through Street. He was issued a court appearance for October 12, 2016. (Att. 10)

During discussions regarding the court appearance, Officer Merola provided a court notification that he received via CLEAR requiring his attendance for October 12, 2016 at 11:30 a.m. in Traffic Court Room CL05. (Att. 31) However, the document provided contradicted the original time written on the traffic citation, which was scheduled for 1:30 p.m. (Att. 10) Officer Merola stated he had no choice but to follow the direction of the Court Notification and it was not until he arrived to traffic court on October 12, 2016 at 11:30 a.m. that he discovered the time discrepancy. After signing the Court attendance sheet and conversing with an unknown male City of Chicago attorney in traffic courtroom CL05 regarding the discrepancy, he requested a continuance. The attorney advised him that it was not his decision and that only a judge could continue the date. Officer Merola left and did not return to court at 1:30 p.m. because of personal childcare issues.

In an **interview with IPRA** on November 3, 2016, **Officer David Martinez, Star #15460** acknowledged that he assisted his partner, Officer Merola, with the traffic stop of [REDACTED] and [REDACTED] on August 18, 2016. Officer Martinez stated that he was inside a nearby Dunkin' Donuts when two unknown officers on bike patrol informed him that his partner was conducting a traffic stop. After receiving this information, he proceeded to walk half of a block down [REDACTED] Street, where he approached the scene of the traffic stop. He observed [REDACTED], [REDACTED] and assisting Officers Corr and Officer Gary Wendt. Mr. [REDACTED] who was already in handcuffs, was positioned near the hood of Officer Merola's police vehicle. Officer Martinez briefly entered the squad car to put his coffee down and observed Officer Merola writing traffic citations. He then served as a guard officer while Officer Merola continued to prepare the traffic citations. Mr. [REDACTED] appeared to be angry, agitated, frustrated, and used profanities; however, Officer Martinez confirmed that Mr. [REDACTED] never became physically aggressive with any of the officers.

After reviewing footage obtained from his BWC, Officer Martinez acknowledged that he told Mr. [REDACTED] that he was under arrest for traffic violations and was not free to leave.⁴ He offered that he later learned from Officer Merola that Officer Merola considered the stop to be a "high risk," but he did not know this at the time. Officer Martinez stated that he "trust[s] what he [Officer Merola] does" and that if Officer Merola believed that Mr. [REDACTED] needed to be handcuffed, he would "back 'em up." At the conclusion of Officer Martinez's interview, he provided his understanding of the difference between a formal arrest and a brief detainment by stating in summary that being handcuffed indicates an arrest.⁵

In an **interview with IPRA** on 30 November 2016, **Officer Nicholas Corr, Star# 19925** acknowledged that he assisted with the traffic stop of [REDACTED] and [REDACTED] on August 18, 2016. He recalled that he and his partner, Officer Gary Wendt, were on routine patrol when they observed a CPD vehicle driven by Officer Merola driving through the north alley of 91st street. Upon observation, Officer Corr and his partner proceeded to follow Officer Merola through the alley, around

⁴ Attachment 30- pgs. 7, 22, 29-30

⁵ Attachment 30- pgs. 30, 12-19

the block, and back onto [REDACTED] Street. When he and Officer Wendt turned onto [REDACTED] Street, he observed the vehicle driven by [REDACTED] curbed and both Mr. [REDACTED] and Officer Merola out of their vehicles. Officer Corr stated that he and his partner pulled over to assist, serving as guard officers. At this time, Mr. [REDACTED] was already in handcuffs and standing outside of his vehicle.

As Officer Merola conducted his investigation, Officer Corr was informally placed in charge of guarding [REDACTED]. Mr. [REDACTED] appeared agitated and confrontational with the fact that he was handcuffed. Officer Corr's assessment of Mr. [REDACTED]'s demeanor was based on his elevated tone, body language, and looks. However, he confirmed that Mr. [REDACTED] did not get physically aggressive nor did he hear him make any direct verbal threats toward anyone on the scene.⁶

During the conclusion of his interview, Officer Corr suggested that Mr. [REDACTED] did not act physically non-compliant but that he did refuse to sign the issued tickets. During an attempt to clarify this topic, the reporting investigator (RI) pointed out that Mr. [REDACTED] request was to read the citations prior to signing and he did not refuse to sign them. Officer Corr had no further interaction with Conrad [REDACTED] and did not observe any physical aggression.

In an **interview with IPRA** on January 10, 2017, **Officer Gary Wendt, Star #4339** acknowledged that he assisted with the traffic stop of [REDACTED] and [REDACTED] on August 18, 2016. He was on routine patrol with his partner, Officer Nicholas Corr, when they observed Officer Merola following a vehicle. He recalled following Officer Merola and ultimately assisting while the traffic stop was conducted. However, Officer Wendt was unable to recollect any specifics concerning the traffic stop. (Att. 54)

The Clerk of the Circuit Court of Cook County **Mainframe Court Docketing System** provides the details of the issued traffic citations as they pertain to [REDACTED] and the alleged incident. Per the record, the hearing date was scheduled for 12 October 2016 at 1:30 p.m. Records reflect that Mr. [REDACTED] was issued three traffic violations pursuant to the City of Chicago municipal code: 09-40-01: Disobedience of Traffic Codes, 9-24-010 (b): Failure to Stop at a Stop Sign, and 9-20-010: Using an Alley as a through Street. (Att. 32) Mr. [REDACTED] also provided photocopies of the issued traffic citations during his interview with the Independent Police Review Authority. (Att. 10) Ultimately, Officer Merola was not present for the hearing and all citations were dismissed for want of prosecution. (Att. 32)

Office of Emergency Management and Communications (OEMC) Audio CD and event query recorded under Event #1623112649 identified Beats 432, 414, and 410 as the responding officers on the scene of the traffic stop regarding [REDACTED] and [REDACTED]. The records revealed that Beat 432, Officer Merola, initiated a call to dispatch requesting a vehicle plate and name check for [REDACTED]. The incident begins at 5:59 p.m. and ends at 6:35 p.m. (Atts. 58, 59)

Logscan records from the Chicago Police Department reflect that Officer David Martinez initiated a name inquiry for [REDACTED] on 18 August 2016 at 6:00 p.m. (Att. 48)

⁶ Attachment 50 - pgs. 16, 18-23

Body Worn Camera Videos (BWC) depict footage related to the traffic stop of [REDACTED] and [REDACTED] and capture the incident in its totality from multiple views. Video evidence was retrieved from accused Officers Dominic Merola #7221 and David Martinez, #15460, and Witness Officers Nicholas Corr #19925, Gary Wendt #4335, and Sergeant Joseph B. Carroll #1680. (Atts. 33, 35, 37, 52)

BWC video (X81030208) assigned to **Officer Dominic Merola #7221** provides footage and audio related to a traffic stop lasting for the duration of 00:30:00. The video captures Officer Merola's interaction with [REDACTED] and [REDACTED]. The captured footage shows Officer Merola in his vehicle engaged in what appears to be a pursuit of a red 4-door vehicle. After a short pursuit around the block, the red vehicle, driven by [REDACTED], abruptly stops and parks. Upon exiting his police vehicle, Officer Merola draws his weapon and points at Mr. [REDACTED]'s vehicle, which is occupied by him and Ms. [REDACTED], as he approached. Officer Merola can be heard ordering the occupants of the vehicle to place their hands in the air, to which they complied. With his weapon still drawn and pointed at Mr. [REDACTED] through the driver's side window, Officer Merola attempts to open the locked door. Once he orders the door to be unlocked, Officer Merola opens the door and orders Mr. [REDACTED] out of his vehicle. Officer Merola asks Mr. [REDACTED] "what is wrong with you?"

Immediately upon exiting his vehicle, Officer Merola places handcuffs on Mr. [REDACTED]. At this time, two officers, later identified as Officers Corr and Wendt, appear on the scene, serving as assisting officers. They can be seen escorting Mr. [REDACTED] to the front of Officer Merola's police vehicle while Officer Merola stays behind to speak with passenger [REDACTED]. When Officer Merola specifically asks Ms. [REDACTED] why Mr. [REDACTED] drove through a stop sign, she states "we be scared of the police" and that she was "shaken" because "look at what you [Officer Merola] are doing." Mr. [REDACTED] can be overheard asking why he is under arrest.

While speaking with Ms. [REDACTED], Officer Merola is leaning into the vehicle and there is a wooden handle stuck between the driver's seat and the center console. Officer Merola can be heard asking Ms. [REDACTED] if the item in the car is a hammer. After she confirms what it is, he says "that's fine" and "I am going to put it on the seat." He continues his discussions with Ms. [REDACTED], which involve questions related to Mr. [REDACTED] driving, and returns to his police vehicle. Upon returning to his police vehicle, Officer Corr hands him Mr. [REDACTED]'s license. Officer Merola informs Mr. [REDACTED] that he will be receiving traffic citations. Officer Merola sits in his vehicle and begins to prepare citations.

At 00:03:17, Officer Merola's partner, Officer David Martinez #15460, is seen opening the passenger door of the police vehicle occupied by Officer Merola. Officer Martinez places his coffee in the side door compartment and walks to the front of the police vehicle, where he takes the position of a guard officer. At 00:04:29 into the footage a male officer, later identified as Officer Nicholas Corr, approaches Officer Merola to inquire about what he should do with Mr. [REDACTED] with regards to placing him in a vehicle or not. Officer Merola's response is "no he's gonna get a few tickets. He can sweat it out until were done." At that time, Officer Merola continues to prepare the traffic citations while Mr. [REDACTED] stands handcuffed and guarded by multiple officers.

After approximately 15 minutes, the preparation of the tickets concluded. At that time, Officer Merola exits the vehicle to review the citations with Mr. [REDACTED]. However, the two engage in a verbal dispute, both with elevated tones, regarding Mr. [REDACTED]'s request to read the traffic citations and gather a better understanding. Shortly thereafter, a male sergeant, later identified as Sergeant Joseph Carroll, Star #1680 arrives on scene (out of view) and can be heard directing Mr. [REDACTED] to get his hands out of his pocket. In response, Mr. [REDACTED] is heard saying, "I don't care if you're a Sergeant!" Officer Merola redirects Mr. [REDACTED]'s attention, continues to discuss the traffic citations, and there is no further incident. (Atts. 33, 37)

BWC video (X81031163) assigned to **Officer David Martinez #15460** opens with appearing on the street with a Dunkin' Donuts cup in hand and walking approximately a half of a block to the scene of the incident. Upon arrival, he approaches the police vehicle occupied by Officer Merola, opens the door, and places the cup in the passenger door. At that time, he proceeds to assist with the traffic stop involving [REDACTED]. The overall interaction between Mr. [REDACTED] and Officer Martinez appears to concern his detainment and handcuffs. Mr. [REDACTED] was visibly upset and voiced concern regarding the fact that a gun was pointed at him and that he was placed in handcuffs. (Att. 35)

BWC (X81053263) assigned to **Officer Nicholas Corr #19925** essentially depicts the same footage related to the traffic stop but captures the interactions between the involved parties from his positional view. Upon arrival to the scene, Officer Corr escorts Mr. [REDACTED] who was already handcuffed, to Officer Merola's police vehicle. Officer Corr searches Mr. [REDACTED] pockets and removes his wallet and some other items and places them on the hood of the police car. Shortly thereafter, Officer Merola walks to the vehicle, has a brief conversation with Mr. [REDACTED] and removes Mr. [REDACTED]'s identification from his wallet. At that time, Officer Merola informs Mr. [REDACTED] that he will receive traffic citations and he proceeds to his vehicle to prepare the traffic citations.

Mr. [REDACTED] remained in handcuffs for approximately 25 minutes during the traffic stop. Officer Merola sat in his vehicle to prepare traffic citations. Additionally, Mr. [REDACTED] can be heard making several requests to be un-handcuffed. At 00:11:28 into the video, Officer Martinez, who is standing nearby Officer Corr, can be heard informing Mr. [REDACTED] that he is under arrest for traffic violations and therefore not free to leave. A portion of the verbal dispute between Officer Merola and Mr. [REDACTED] at the conclusion of the stop was captured. Ultimately, no further incident took place and Mr. [REDACTED] was free to leave. (Att. 37, Clip #1)

BWC (X81031567) assigned to **Officer Gary Wendt #4335** depicts similar footage related to the traffic stop but captures the interactions between the involved parties from his positional view. Upon arrival to the scene, Officer Wendt assists with the traffic stop but has limited interaction with [REDACTED] and [REDACTED]. Per the video, he appears to keep his distance. (Att. 52)

BWC (X81032498) assigned to **Sgt. Joseph B. Carroll #1680** captures the last five minutes of the incident. Upon his arrival, Officer Merola and [REDACTED] are engaged in the dispute regarding

Mr. [REDACTED]'s request to read his citations prior to signing. At that time, Sgt. Carroll interjects and instructs Officer Merola to allow the reading of the citations. (Att. 37, Clip #2)

In-Car Camera video (ICC) of the vehicle assigned to Beat 432 captures footage related to the traffic stop involving [REDACTED] in its entirety. The video opens with Officer Merola curbed and sitting in his police vehicle near the intersection of 91st Street and Commercial Avenue facing eastbound. The vehicle, occupied by [REDACTED] and [REDACTED], is seen waiting at a traffic signal heading westbound on [REDACTED]st Street. The video shows Mr. [REDACTED]'s vehicle as it accelerates and proceeds through the light, passing accused Officer Merola. In response, Officer Merola initiates a U-turn and proceeds to follow Mr. [REDACTED]. After approaching the next corner, Mr. [REDACTED]'s vehicle makes a right turn and another quick right turn into an alley.

After Officer Merola follows Mr. [REDACTED] through an alley, Mr. [REDACTED] makes another right turn, placing him back on [REDACTED]st street. Mr. [REDACTED] curbs his vehicle at the location of [REDACTED] E. [REDACTED]^t Street. Officer Merola parks to the rear of the driver's side of Mr. Burnett's vehicle and exits his vehicle with his weapon drawn and pointed in the direction of Mr. [REDACTED]'s vehicle. As he approaches the vehicle, Officer Merola directs the occupants to make their hands visible. Officer Merola orders Mr. [REDACTED] to exit the vehicle and put his hands on the vehicle. Mr. [REDACTED] complies, at which time he is immediately handcuffed and escorted to the police vehicle by Officer Nicholas Corr, who arrived on-scene. Once at the vehicle, Officer Corr conducts a pat down search and removes Mr. [REDACTED] wallet from his person.

When Officer Merola returns to his vehicle, he is given Mr. [REDACTED] driver's license. At that time, Officer Merola sits in his vehicle to prepare traffic citations as Mr. [REDACTED] stands at the front hood of the police vehicle. As Officer Merola sits in his vehicle, Officer Martinez can be seen opening the passenger door and placing a coffee cup in the door panel before walking to the front of the vehicle and assisting Officers Corr and Wendt with guarding Mr. [REDACTED]. The video shows that Mr. [REDACTED] remains in handcuffs for approximately 20 minutes while Officer Merola writes him three citations. Lastly, the video also captures a verbal exchange between Mr. [REDACTED] and Officer Merola pertaining to Mr. [REDACTED]'s desire to read the traffic citations before signing them. During this verbal exchange, when Mr. [REDACTED] insists on reading the traffic citations before he signs them, Officer Merola states that if Mr. [REDACTED] does not sign the ticket, his driver's license will be "kept as bond." At this point, Mr. [REDACTED]'s license was returned however, he continued to insist on reading the ticket prior to signing. At this point, Officer Merola told Mr. [REDACTED] to give the license back and if that if he did not return the license, he would be taken to jail.

[REDACTED]
Investigator Chantelle Hill

[REDACTED]
Deputy Chief Mark Grba

ANALYSIS**I. The Traffic Stop involving [REDACTED] and [REDACTED]****A. The Traffic Stop Was Justified**

Under *Terry v. Ohio* an officer may lawfully stop a person for brief questioning when the officer reasonably believes that the person has committed, or is about to commit, a crime. *Terry v. Ohio*, 392 U.S. 1 (1968). A relatively brief encounter, such as a routine traffic stop, is more analogous to a so-called *Terry* stop than to a formal arrest. *Knowles v. Iowa*, 525 U.S. 113, 117 (1998), in turn citing *Terry v. Ohio*, 392 U.S. 1 (1968).

In this instance, Officer Merola's initiation of the traffic stop was proper. Officer Merola was initially alerted to Mr. [REDACTED]'s vehicle upon hearing its engine "revving" while stopped at a traffic light. This drew the officer's attention to the vehicle and caused the officer to continue watching the vehicle as and after it traveled by him. Ultimately, Officer Merola observed the vehicle proceed through the stop sign located at [REDACTED]st Street and S. Exchange Avenue without stopping, which is a traffic violation. The body worn camera and the in-car camera show that Officer Merola engaged in a short pursuit of Mr. [REDACTED]'s vehicle and activated his emergency lights to initiate the traffic stop of the vehicle. Officer Merola's observation of the stop sign violation was sufficient reasonable suspicion upon which to justify the traffic stop.

B. The Length of the Traffic Stop Was Not Excessive

A seizure for a traffic violation justifies a police investigation of that violation. *Rodriguez v. United States*, 135 S. Ct. 1609, 1614, 191 (2015). A routine traffic stop is more analogous to a so-called 'Terry stop' than to a formal arrest. *Knowles v. Iowa*, 525 U.S. 113, 117 (1998) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984); see also *Arizona v. Johnson*, 555 U.S. 323, 330 (2009). Like a *Terry* stop, the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's "mission"—to address the traffic violation that warranted the stop and attend to related safety concerns, *Illinois v. Caballes*, 543 U.S. 405, 407 (2005); see also, *United States v. Sharpe*, 470 U.S. 675, 685 (1985); *Florida v. Royer*, 460 U.S. 491, 500 (1983) (plurality opinion) ("The scope of the detention must be carefully tailored to its underlying justification."). Because addressing the infraction is the purpose of the stop, it may last no longer than is necessary to effectuate that purpose. *Caballes*, 543 U.S. at 407.

IPRA acknowledges that there was probable cause to arrest Mr. [REDACTED] based on the observed traffic violations. Pursuant to *Atwater v. City of Lago Vista, et al.*, the Fourth Amendment does not forbid a warrantless arrest of minor criminal violations. 121 S.Ct. 1536. The court reasoned that the standard of probable cause applies to all arrests; if an officer has probable cause to believe that an individual has committed an offense in his presence he may, without violating the Fourth Amendment, arrest the individual. *Id.* at 1557. The court applied this standard to misdemeanor offenses punishable only by fines, such as a traffic violation for failure to wear a seat belt. *Id.* at 1538. In in this instance, the minor traffic citations were basis for an arrest pursuant to this standard.

Here, Mr. [REDACTED] was detained for over 20 minutes waiting for Officer Merola to issue the ticket. This timespan does appear excessive for the issuance of a ticket for a minor traffic infraction such as what occurred here. However, the bodycam and dashcam recordings make clear that, during this timeframe, the officer was in communicating with CPD dispatch in an attempt to ascertain the proper citation information for the ticket. Once the officer acquired the information, he drafted the ticket and presented it to Mr. [REDACTED]. Based on these circumstances, the duration of the traffic stop, although perhaps longer than most, was not excessive. However, other aspects of the scope of the detention are problematic.

C. The Manner in which the Traffic Stop was Conducted Was Overly Intrusive and in Violation of the Fourth Amendment

The Fourth Amendment explicitly addresses the sort of physically intrusive government conduct that constitutes a seizure. *Graham v. Connor*, 490 U.S. 386, 395 (1989). Determining whether the force used to effect a particular seizure is ‘reasonable’ under the Fourth Amendment, requires balancing the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interest alleged to justify the intrusion. *Id.* at 396; *Fitzgerald v. Santoro*, 707 F.3d 725, 733 (7th Cir. 2013); *Abbott v. Sangamon County, Illinois*, 705 F.3d 706, 724 (7th Cir. 2013). Such an analysis is inherently fact-dependent, requiring consideration of such factors as the severity of the crime at issue, whether the person posed an immediate threat to the safety of the officers or others, and whether the person was actively resisting the officers. *Graham*, 490 U.S. at 396; *Miller v. Gonzalez*, 761 F.3d 822, 829 (7th Cir. 2014); *Abbott*, 705 F.3d at 724.

Here, Officer Merola stopped Mr. [REDACTED]’s vehicle, ordered Mr. [REDACTED] out of his vehicle at gunpoint, placed Mr. [REDACTED] in handcuffs, and demanded that the handcuffed Mr. [REDACTED] remain standing in front of a police car surrounded by several police officers for over 20 minutes, while Officer Merola wrote up a traffic ticket for three minor traffic offenses⁷.

- 1. There was no indication that the occupants of the vehicle were dangerous warranting a “high-risk” traffic stop, therefore, Officer Merola’s display of his weapon at Mr. [REDACTED] and Ms. Hendricks was unnecessary.**

When Officer Merola noticed Mr. [REDACTED]’s vehicle, he had no reason to believe that the vehicle’s occupants were engaged in any criminal act other than the commission of the traffic violation. Officer Merola’s explanation for the manner in which he conducted the stop was because the circumstances led him to believe it would be a “high risk” stop. To be sure, traffic stops can be “especially fraught with danger to police officers,” *Arizona v. Johnson*, 555 U.S. 323, 330 (internal quotation marks omitted), so an officer may need to take certain negligibly burdensome precautions in order to complete his mission safely. *Rodriguez*, 135 S. Ct. at 1616. However, based on the factors Officer Merola’s cites as the reasons why he believed the stop presented a safety risk, Officer Merola’s perception of risk was objectively unreasonable.

⁷ 09-40-01: Disobedience of Traffic Codes, 9-24-010 (b): Failure to Stop at a Stop Sign, and 9-20-010: Using an Alley as a through Street

The factors cited by Officer Merola as his reasons behind the belief that the stop presented a safety risk were as follows: 1) he believed the driver of the car was attempting to elude him; 2) the area was known for gang and narcotic activities; and 3) nearby Chicago Housing Authority residences near the location of the stop. As outlined below, none of these factors could have been reasonably be construed to indicate that the occupant or occupants of the specific car Officer Merola was following were armed and dangerous.

First, the Officer Merola's belief that the car was attempting to elude him was speculative at best. Officer Merola claims that, based on the speed of travel and the quick turns the car made, he believed that the driver had noticed and was attempting to elude the police vehicle. Based on a review of the dashcam video, Mr. [REDACTED]'s vehicle was traveling at significant speed and made at least one fast turn before Officer Merola started following his car. However, even if it were reasonable to conclude from such driving that the driver was attempting to elude the officer, this fact does not necessarily mean that the driver is armed and dangerous.

The second and third factors upon which Officer Merola based his belief that the car's occupants might be dangerous are, frankly, preposterous and, at face value, appear pretextual. It is inappropriate and possibly unconstitutional to presume that the occupants of a vehicle in a high-crime neighborhood near public housing are likely to be armed and dangerous.

Officer Merola had no other information or evidence from which to infer that the occupants of Mr. [REDACTED]'s vehicle might be dangerous. For example, Officer Merola admitted that he did not run Mr. [REDACTED]'s name or license plate until after he stopped the car and returned to the police vehicle to write up the ticket. Therefore, Officer Merola had gained no information about the vehicle or its occupants prior to initiating the stop that in any way indicated the occupants of the vehicle might be dangerous. Nonetheless, after Mr. [REDACTED] curbed his vehicle, Officer Merola confronted Mr. [REDACTED] and Ms. [REDACTED] with his weapon pointed at them. Even after Mr. [REDACTED] complied with the demand that he exit his vehicle, Officer Merola slapped handcuffs on him and dragged him back to the police car where the officers made him stand while the ticket was being issued.

2. The circumstances of the seizure of Mr. [REDACTED] were unreasonable, and therefore, in violation of Mr. [REDACTED]'s Fourth Amendment rights

There is no question that Mr. [REDACTED] was considered the subject of a seizure under the Fourth Amendment. Mr. [REDACTED] was ordered out of his car at gunpoint, then immediately handcuffed, escorted to a police vehicle, after which he was guarded by multiple officers for a period of approximately 20 minutes. Moreover, Mr. [REDACTED] was explicitly told that he was under arrest and, therefore, not free to leave. Given the fact that Mr. [REDACTED] was seized, the question remains whether appropriate law enforcement interests warranted the intrusiveness of the seizure. As is discussed below, it was not.

Officer Merola's conduct and the degree of intrusion were unreasonable based on the totality of the circumstances. First, as discussed above, there was no reasonable articulable suspicion that Mr. [REDACTED] was armed and dangerous thereby requiring further safety measures. Second, after Officer

Merola's decision to not formally place Mr. [REDACTED] under arrest, his continued detention in handcuffs was unreasonable.

Footage from Officer Merola's BWC and ICC reflects that the traffic stop lasted approximately thirty minutes, with Mr. [REDACTED] handcuffed for approximately twenty of those thirty minutes. ICC footage also shows that Officer Merola conducted a name and vehicle check almost immediately upon return to his vehicle. Records confirmed that the check revealed both were clear. (Att. 48) The video also shows that Mr. [REDACTED] asked several times why he was handcuffed and made numerous requests that the handcuffs be removed. All requests were denied despite the fact that Mr. [REDACTED] was compliant. He followed all verbal commands, remained in the area where he was ordered to stand, was not in possession of any weapons or other contraband, and his name and vehicle check came back clear. Officer Merola's BWC camera also reveals that Mr. [REDACTED] was made to remain in handcuffs even though he would not be formally arrested. This is reflected by Officer Merola's comment to fellow Officer Corr that Mr. [REDACTED] was "just getting a few tickets" and that he was to remain in cuffs to "...sweat it out until we're done." In the statements given by Officers Merola and Marinez, they specifically mentioned that there was a hammer in Mr. [REDACTED]'s vehicle and this was one of the reasons why it was necessary for Mr. [REDACTED] to remain handcuffed. (Atts. 23, 24, 29, 30) However, there was no indication that Mr. [REDACTED] was a threat to the officer. He made no physical movements or verbal threats and was compliant with commands. In addition, the hammer was in the vehicle occupied by Ms. [REDACTED] who was left unattended. This discredits the officer's speculations about any safety concern. The BWC of Officer Merola revealed that he made a comment to Officer Corr instructing him to let Mr. [REDACTED] and wait until he was done. Additionally, pursuant to Officer Merola's BWC, Officer Merola the decision to not arrest Mr. [REDACTED] and instead issue traffic citations was made within four minutes of the stop.

In this instance, because Mr. [REDACTED] was unarmed and not dangerous, there was no compelling need for the type of restraint imposed. (See, e.g., *United States v. Ienco*, 132 F.3d 517, 525 (1999) holding that a thirty-minute detention in a locked squad car was too long where reasonable suspicion was weak and suspects were not dangerous). In addition, the determination was made within four minutes of the stop that Mr. [REDACTED] would not be formally arrested. The continued detention of Mr. [REDACTED] in handcuffs after Officer Merola made the decision was unreasonable.

Moreover, keeping Mr. [REDACTED] handcuffed during the preparation of the traffic citations was a form of punishment evidenced by his statement that he was to remain in cuffs to "...sweat it out until we're done." Courts generally construe the Constitution to prohibit a use of force that goes beyond that necessary to accomplishment legitimate governmental interests so as to appear punitive. See, *Kingsley v. Hendrickson*, 135 S.Ct. 2466, 2473 (2015) ("[T]he Due Process Clause protects a pre-trial detainee from the use of excessive force that amounts to punishment.")

Because of his actions, the traffic stop was unreasonably intrusive and went beyond what was necessary to effect the main purpose of the stop—issuance of the citations for the observed traffic violations. Based on these facts, there were no reasonable law enforcement interests at stake warranting the intrusiveness of Mr. [REDACTED]'s seizure. Officer Merola's conduct was a violation of the Fourth

Amendment and contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

CONCLUSION

IPRA recommends that **Allegation #1 against Officer Dominic Merola #7221** for violating the 4th Amendment rights of [REDACTED] during a traffic stop be **Sustained**. Officer Merola violated the **4th Amendment of the United States Constitution, Rule 2, and Rule 8**. Based on the totality of evidence, the accused officers did not provide a plausible account as to why the stop was characterized as high risk, which led to the arrest of Mr. [REDACTED]. Traffic stops must be temporary and for the limited purposes fulfilling the necessary purpose of the stop. The stop of [REDACTED] exceeded what was permissible given the facts and circumstances known to Officer Merola. Mr. [REDACTED] was detained for approximately thirty minutes, handcuffed, and guarded by multiple officers despite a clear name and vehicle check, valid license and insurance, no presence contraband, and no additional basis for probable cause that he had committed or was about to commit a crime.

IPRA recommends that **Allegations #2 and #3 against Officer Dominic Merola #7221** for unnecessarily displaying and pointing of his weapon at [REDACTED] and [REDACTED] during a traffic stop be **Sustained**. Officer Merola violated **Rules 2, 8 and 38** ICC footage shows that at the initial point of contact with Mr. [REDACTED] and Ms. [REDACTED] both appeared to comply with verbal commands and had their hands visible. Nevertheless, Officer Merola exited and approached the vehicle with his weapon drawn and pointed at them in their vehicle. Officer Merola kept his weapon pointed at Mr. [REDACTED] through Mr. [REDACTED]'s driver side window as Mr. [REDACTED] exited his vehicle with both hands visibly in the air. Officer Merola's explanation for his display of the weapon was speculative at best. Officer Merola's actions were contrary to Department's policies; his actions impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department.

IPRA recommends that **Allegation #4 against Officer Dominic Merola #7221** for failing to appear at the traffic hearing regarding the citations issued against [REDACTED] be **Not Sustained**. As documented in General and Special Orders 08-02 and Special Order- S04-14-06, department members are required to appear in court as received via the Court Notification process. Officer Merola provided a court notification that he received via CLEAR requiring his attendance for October 12, 2016 at 11:30 a.m. in Traffic Court Room CL05. The notification provided contradicted the original time written on the traffic citations. (Att. 10) However, Officer Merola stated he had no choice but to follow the Court Notification and it was not until he arrived to traffic court that he discovered the time discrepancy.

Additional documentation collected during the investigation confirms that Officer Merola arrived at Court Room CL05 at 11:07 a.m., which was roughly 20 minutes prior to the CLEAR notification for the hearing. Additionally, it was not until Officer Merola arrived to court did he discover the time discrepancy between the issued citations and the CLEAR notification. Therefore, Officer Merola attended

the hearing in compliance with the departmental policies and procedures directing him to follow the CLEAR notification system for all court dates.

IPRA recommends that **Allegation #1 against Officer David Martinez, #15460** for placing [REDACTED] under arrest for traffic violations during a traffic stop be **Exonerated**. As depicted through body worn camera footage, Officer Martinez informed Mr. [REDACTED] that he was under arrest for traffic violations and was not free to leave. During his interview, Officer Martinez acknowledged that he told Mr. [REDACTED] that he was under arrest for traffic violations and was not free to leave. When Officer Martinez arrived on the scene, Mr. [REDACTED] was outside of his vehicle and handcuffed. Officer Martinez stated that when he opened the passenger side of the squad car, he observed Officer Merola writing traffic citations. Officer Merola never specifically informed Officer Martinez that Mr. [REDACTED] was under arrest. Officer Martinez stated that he and Officer Merola had been partners for almost three years and that he trusted him; if Officer Merola believed it necessary to keep Mr. [REDACTED] in handcuffs, then he would “back ‘em up” regarding the decision.

An officer may rely on the arresting officer’s determination of probable cause when participating in an arrest; the non-arresting officer does not have to independently verify what conduct gave rise to probable cause for the arrest. Because the knowledge of the arresting officer is imputed to the other officers on scene, it is unnecessary for any officer other than the arresting officer to determine or independently verify the basis of probable cause. Officer Martinez relied on Officer Merola’s original decision to detain Mr. [REDACTED]. Officer Martinez was not required to verify why Officer Merola placed Mr. [REDACTED] under arrest or whether the traffic citations being written were for jailable offenses. It was appropriate for Officer Martinez to rely on the information communicated to him when he arrived on scene. Therefore, it was not improper to inform Mr. [REDACTED] that he was under arrest.

FINDINGS**Accused #1 Officer Dominic Merola, #7221, Unit 004**

Allegation #1: Officer Merola violated [REDACTED] 4th Amendment rights in that he stopped, detained, and handcuffed him for an extended period of time without justification during a traffic stop in violation.

Count I **Sustained-** Violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department” in that on 18 August 2016, Officer Merola stopped, detained, and handcuffed [REDACTED] for an extended period of time without justification in violation of his Fourth Amendment rights as protected under the United States Constitution.

Count II **Sustained-** Violation of Rule 8, “Disrespect or maltreatment of a person while on duty” stopped, detained, and handcuffed [REDACTED] for an extended period of time without justification in violation of his Fourth Amendment rights as protected under the United States Constitution.

Allegations #2&3 Officer Merola unnecessarily displayed and pointed his weapon at Mr. [REDACTED] and Ms. [REDACTED] during a traffic stop.

Count I **Sustained-** Violation of Rule 8, “Disrespect or maltreatment of a person while on duty” in that Officer Merola displayed and pointed his weapon at [REDACTED] and [REDACTED] during a traffic stop without justification.

Count II **Sustained-** Violation of Rule 38, “Unlawful or unnecessary display of a weapon” in that on 18 August 2016, displayed and pointed his weapon at [REDACTED] and [REDACTED] during a traffic stop without justification.

Allegation #4 **Not Sustained**—Officer Merola failed to appear to traffic court on 12 October 2016 regarding the traffic stop and issued citations against Mr. [REDACTED]

Accused #2 Officer David Martinez, #15460, Unit 004

Allegation #1 **Exonerated**—Officer Martinez informed [REDACTED] he was under arrest for traffic violations and not free to leave was not lawful or proper.

[REDACTED]
Chief Administrator